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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SOUTHERN DIVISION**

RENO MAY, an individual; ANTHONY  
MIRANDA, an individual; ERIC HANS,  
an individual; GARY BRENNAN, an  
individual; OSCAR A. BARRETTO, JR.,  
an individual; ISABELLE R.  
BARRETTO, an individual; BARRY  
BAHRAMI, an individual; PETE  
STEPHENSON, an individual; ANDREW  
HARMS, an individual; JOSE FLORES,  
an individual; DR. SHELDON HOUGH,  
DDS, an individual; SECOND  
AMENDMENT FOUNDATION; GUN  
OWNERS OF AMERICA; GUN  
OWNERS FOUNDATION; GUN  
OWNERS OF CALIFORNIA, INC.; THE  
LIBERAL GUN CLUB, INC.; and  
CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED,

Plaintiffs,

v.

ROBERT BONTA, in his official capacity  
as Attorney General of the State of  
California, and DOES 1-10,

Defendants.

Case No.: 8:23-cv-01696 CJC (ADSx)

**EVIDENTIARY OBJECTIONS OF  
PLAINTIFFS TO DECLARATION  
OF ZACHARY SCHRAG FILED IN  
SUPPORT OF DEFENDANT'S  
OPPOSITION TO MOTION FOR  
PRELIMINARY INJUNCTION**

Hearing Date:	December 20, 2023
Hearing Time:	1:30 p.m.
Courtroom:	9 B
Judge:	Hon. Cormac J. Carney

**TO THIS HONORABLE COURT:**

Plaintiffs Reno May, Anthony Miranda, Eric Hans, Gary Brennan, Oscar A. Barretto, Jr., Isabelle R. Barretto, Barry Bahrami, Pete Stephenson, Andrew Harms, Jose Flores, Dr. Sheldon Hough, DDS, The Second Amendment Foundation, Gun Owners of America, Inc., Gun Owners of California, Inc., The Liberal Gun Club, Inc., and California Rifle & Pistol Association, Incorporated, hereby jointly object, pursuant to Fed. R. Evid. 401, 402, 403, 601, 702, 703, and 704, to the Declaration of Zachary Schrag lodged by Defendant in support of his Brief in Opposition to Plaintiffs’ Motion for Preliminary Injunction. These objections are raised on the following grounds and as to the following matters contained within the declaration:

**1. Objection to Paragraphs 6-31:**

Relevance. Facts and opinions as the methodology of researching the history of firearms laws and regulations during the relevant analogical period, untethered from any citation to or discussion of such laws and regulations themselves, are not relevant to the evidence of Founding through Reconstruction historical analogues that governments must produce to show a history and tradition of firearms regulation. *See New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. \_\_\_, 142 S. Ct. 2111, 2137, 2153-54 (2022).

Further, the declarant openly admits to not providing the court opinions relevant to the analogical inquiry identified in *Bruen*. The express purpose of the declaration is not to identify a history or tradition of firearms regulation as to the relevant time, place, or manner being challenged by Plaintiffs. “It is not my purpose in this declaration to determine the ‘Nation’s historical tradition’ of firearms regulation or even to scope out in detail the tasks that might be required to fairly describe that tradition. Rather, I seek to explain in general the process of historical research, and the reasons that it is unpredictable, labor-intensive, and time-consuming.” (Schrag Decl. ¶ 7.). The steps for researching the history of firearms regulations are not relevant to the evidence of a history and tradition of Founding

1 through Reconstruction historical analogues that governments must produce to  
2 show a tradition of firearm regulation regarding banks.

3 The declarant's purported lack of sufficient time to identify and cite within  
4 his declaration to historical analogues of the firearms regulations contained within  
5 SB 2 is also not relevant to the issue of the state's burden to have identified a rich  
6 analogical tradition of firearms regulation prior to passing SB 2.

7 Improper Expert Opinion.

8 The declarant also offers opinion about the need for the court to utilize a  
9 standard other than the one adopted under *Bruen* requiring the inquiry into and  
10 analysis of historical firearms laws and regulations, i.e., he proposes a broader  
11 standard: "the need to look beyond the statutes to understand how Americans  
12 understood state police power." (Schrag Decl. ¶ 15.). Opinions about using a  
13 different standard for assessing the history of restrictions on the armed self-defense  
14 than the *Bruen* analogical inquiry are not relevant to the evidence of Founding  
15 through Reconstruction historical analogues that governments must produce to  
16 show a history and tradition of firearms regulation. *See Bruen* at 2132. As such, the  
17 declarant is making legal argument for a change in the law that is not the proper  
18 subject of expert opinion.

19 For the reasons set forth above, the court should strike or disregard the  
20 declaration in its entirety in ruling on Plaintiffs' motion, or, in the alternative, strike  
21 and disregard those identified opinions.

22  
23 Dated: November 20, 2023

**MICHEL & ASSOCIATES, P.C.**

/s/ C.D. Michel

C.D. Michel

Counsel for Plaintiffs

Dated: November 20, 2023

**LAW OFFICES OF DON KILMER**

/s/ Don Kilmer

Don Kilmer  
Counsel for Plaintiff The Second Amendment  
Foundation

**CERTIFICATE OF SERVICE**  
IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *May, et al. v. Bonta*  
Case No.: 8:23-cv-01696 CJC (ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**EVIDENTIARY OBJECTIONS OF PLAINTIFFS TO DECLARATION OF  
ZACHARY SCHRAG FILED IN SUPPORT OF DEFENDANT'S  
OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Robert L. Meyerhoff, Deputy Attorney General  
California Department of Justice  
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Los Angeles, CA 90013  
Email: [Robert.Meyerhoff@doj.ca.gov](mailto:Robert.Meyerhoff@doj.ca.gov)  
*Attorney for Defendant*

I declare under penalty of perjury that the foregoing is true and correct.

Executed November 20, 2023.

  
Christina Castron